

A C T S,

RESOLUTIONS AND MEMORIALS

PASSED BY THE

LEGISLATIVE ASSEMBLY

OF THE

TERRITORY OF UTAH,

DURING THE

TWELFTH ANNUAL SESSION,

FOR THE YEARS 1862-63.

ELIAS SMITH, PUBLIC PRINTER.

GREAT SALT LAKE CITY:

1863.



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ACTS AND RESOLUTIONS OF THE TERRITORY OF UTAH.

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AN ACT

Assigning the two Associate-Justices to their respective Districts. Jan. 18, 1863.

Sec. 1. Be it enacted by the Governor and Legislative Assembly of the Territory of Utah, That the Honorable Thomas J. Drake, Associate-Justice, is hereby assigned to the First Judicial District, and the Honorable Charles B. Waite, Associate-Justice, to the Second Judicial District.

Approved, Jan. 13, 1863.

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AN ACT

Changing the county seat of Washington county.

Jan. 14, 1863.

Sec. 1. Be it enacted by the Governor and Legislative Assembly of the Territory of Utah, That the county seat of Washington county is hereby changed from the town of Washington to the city of St. George, in said

county; and that the District Court for the transaction of Territorial business in the Second Judicial District shall be held annually, on the third Monday of May, at St. George, and that so much of an act entitled "An Act specifying the times and places of holding District Courts for the transaction of Territorial business," approved January 17, 1862, as conflicts with this Act is hereby repealed.

Approved, Jan. 14, 1863.

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AN ACT

Jan. 16, 1863. *For the Regulation of the Telegraph, and to secure Secrecy and Fidelity in the transmission of Telegraphic Messages.*

*Employees may
not divulge con-
tents of messages*

Sec. 1. Be it enacted by the Governor and Legislative Assembly of the Territory of Utah, That, if any officer, agent, operator, clerk or employee of any telegraph company, or any other person, shall wilfully divulge to any other person than the party from whom the same was received, or to whom the same is addressed, or his agent or attorney, any message received or sent, or intended to be sent over any telegraph line, or the contents, substance, purport, effect or meaning of such message or any part thereof, or shall wilfully alter any such message by adding thereto or omitting therefrom any word or words, figure or figures, so as to materially change the sense, purport or meaning of such message to the injury of the person sending, or desiring to send the same, or to whom the same was directed, the person so offending shall be deemed guilty of a misdemeanor, and shall be punished by fine, not to exceed one thousand dollars, or imprisonment, not to exceed one year, or by both such fine and imprisonment, in the discretion of the court; provided, that when numerals or words of number occur in any message, the operator or clerk sending or receiving, may express the same in words or figures, or in both words and figures, and such fact shall not be deemed an alteration of the message nor in any manner affect its genuineness, force or validity.

*May not alter
meaning of same*

Penalty.

*May not send
forged messages.* Sec. 2. If any agent, operator or employee in any telegraph office, or any other person shall, knowingly

and wilfully, send by telegraph to any person or persons any false or forged message, purporting to be from such telegraph office, or from any other person, or shall wilfully deliver or cause to be delivered to any person, any such message, falsely purporting to have been received by telegraph, or if any person or persons shall furnish or conspire to furnish, or cause to be furnished, to any such agent, operator or employee, to be so sent by telegraph, or to be so delivered, any such message, knowing the same to be false or forged, with the intent to deceive injure or defraud any individual, partnership or corporation, or the public, the person or persons so offending shall be deemed guilty of a misdemeanor, and shall be punished by fine not to exceed one thousand dollars, or imprisonment not to exceed one year, or by both such fine and imprisonment, in the discretion of the court.

Sec. 3. If any agent, operator or employee in any telegraph office shall in any way use or appropriate any information derived by him from any private message or messages passing through his hands, and addressed to any other person or persons, or in any other manner acquired by him by reason of his trust as such agent, operator or employee, or shall trade or speculate upon any such information so obtained, or in any manner turn, or attempt to turn the same to his own account, profit or advantage, the person so offending shall be deemed guilty of a misdemeanor, and shall be punished by fine not to exceed one thousand dollars, or imprisonment not to exceed one year, or by both such fine and imprisonment, in the discretion of the court, and shall also be liable in treble damages to the party aggrieved for all loss or injury sustained by reason of such wrongful act.

Sec. 4. If any agent, operator or employee in any telegraph office shall unreasonably and wilfully refuse or neglect to send any message received at such office for transmission, or shall unreasonably and wilfully postpone the same out of its order, or shall unreasonably and wilfully refuse or neglect to deliver any message received by telegraph, the person so offending shall be deemed guilty of a misdemeanor, and may be punished by fine not to exceed five hundred dollars, or imprisonment not to exceed six months, or by both such

Proviso.

fine and imprisonment, in the discretion of the court; provided, that nothing herein contained shall be construed to require any message to be received, transmitted or delivered unless the charges thereon shall have been paid or tendered, nor to require the sending, receiving or delivery of any message counselling, aiding, abetting or encouraging treason against the Government of the United States, or other resistance to lawful authority, or any message calculated to instigate or further any fraudulent plan or purpose, or to instigate or encourage the perpetration of any unlawful act, or to facilitate the escape of any criminal or person accused of crime.

May not violate sealed messages. Sec. 5. If any person not connected with any telegraph office, shall, without the authority or consent of the person or persons to whom the same may be directed, wilfully or unlawfully open any sealed envelope, enclosing a telegraphic message, and addressed to any other person or persons, with the purpose of learning the contents of such message, or shall fraudulently represent any other person or persons, and thereby procure to be delivered to himself any telegraphic message addressed to such other person or persons, with the intent to use, destroy or detain the same from the person or persons entitled to receive such message, the person so offending shall be deemed guilty of a misdemeanor, and shall be punished by fine not to exceed one thousand dollars, or imprisonment not to exceed one year, or by both such fine and imprisonment, in the discretion of the court, and shall moreover be liable, in treble damages, to the party injured for all loss and damage sustained by reason of such wrongful act.

Persons not employees may not fraudulently seek to obtain telegraphic information. Sec. 6. If any person not connected with any telegraph company shall, by means of any machine, instrument or contrivance, or in any other manner wilfully and fraudulently read, or attempt to read, any message, or to learn the contents thereof, whilst the same is being sent over any telegraph line, or shall wilfully and fraudulently or clandestinely learn, or attempt to learn the contents or meaning of any message while the same is in any telegraph office, or is being received thereat or sent therefrom, or shall use or attempt to use or communicate to others, any information so obtained by any person, the person so offending shall be

deemed guilty of a misdemeanor, and shall be punished by fine not to exceed one thousand dollars, or imprisonment not to exceed one year, or by both such fine and imprisonment, in the discretion of the court.

Sec. 7. If any person shall, by the payment or promise of any bribe, inducement or reward, procure or attempt to procure any telegraph agent, operator or employee to disclose any private message or the contents, purport, substance or meaning thereof, or shall offer to any such agent, operator or employee any bribe, compensation or reward for the disclosure of any private information received by him, by reason of his trust as such agent, operator or employee, or shall use or attempt to use any such information so obtained, the person so offending shall be deemed guilty of a misdemeanor, and shall be punished by fine not to exceed one thousand dollars, or imprisonment not to exceed one year, or by both such fine and imprisonment, in the discretion of the court.

Sec. 8. If any person shall wilfully or maliciously cut, break or throw down any telegraph pole or any tree or other material used in any line of telegraph, or shall wilfully or maliciously break, displace or injure any insulator in use in any telegraph line, or shall wilfully or maliciously cut, break or remove from its insulator any wire used as a telegraph line, or shall, by the attachment of a ground wire, or by any other contrivance, wilfully destroy the insulation of such telegraph line, or interrupt the transmission of the electric current through the same, or shall in any other manner wilfully injure, molest or destroy any property or materials appertaining to any telegraph line, or shall wilfully interfere with the use of any telegraph line, or obstruct or postpone the transmission of any message over the same, or procure or advise any such injury, interference or obstruction, the person so offending shall be deemed guilty of a misdemeanor, and shall be punished by fine not to exceed five hundred dollars, or imprisonment not to exceed six months, or by both such fine and imprisonment, in the discretion of the court.

Sec. 9. Any person offending against the provisions of any section of this Act shall, in addition to the penalties therein prescribed, be liable to the party damaged in a civil suit for all damages occasioned thereby.

May not attempt to procure information by bribes.

May not obstruct or injure telegraph lines.

Civil actions for damages provided for.

Employees except from militia duty.

Sec. 10. All operators, clerks and persons in the employ of any telegraph company whilst employed in the offices of said company, or along the route of its telegraph lines, shall be exempt from militia duty and from serving on juries.

Telegraphic contracts valid.

Sec. 11. Contracts made by telegraph shall be deemed to be contracts in writing, and all communications sent by telegraph and signed by the person or persons sending the same, or by his or their authority, shall be held and deemed to be communications in writing.

Telegraphic notice valid.

Sec. 12. Whenever any notice, information or intelligence, written or otherwise, is required to be given, the same may be given by telegraph; provided, that the dispatch containing the same be delivered to the person entitled thereto, or to his agent or attorney. Notice by telegraph shall be deemed actual notice.

Written instruments by telegraph valid.

Sec. 13. Any power of attorney or other instrument in writing, duly proved or acknowledged and certified so as to be entitled to record, may, together with the certificate of its proof or acknowledgment, be sent by telegraph, and the telegraphic copy or duplicate thereof, shall, *prima facie*, have the same force and effect, in all respects, and may be admitted to record and recorded in the same manner and with like effect as the original.

Checks, &c., by telegraph shall be binding.

Sec. 14. Checks, due bills, promissory notes, bills of exchange, and all orders or agreements for the payment or delivery of money, or other thing of value, may be made or drawn by telegraph, and when so made or drawn shall have the same force and effect to charge the maker, drawer, indorser or acceptor thereof, and shall create the same rights and equities in favor of the payee, drawer, indorsee, acceptor, holder or bearer thereof, and shall be entitled to the same days of grace as if duly made or drawn and delivered in writing, but it shall not be lawful for any person other than the maker or drawer thereof, to cause any such instrument to be sent by telegraph so as to charge any person thereby, except as hereinafter in the next section otherwise provided; whenever the genuineness or execution of any such instrument received by telegraph shall be denied on oath, by, or on behalf of the person sought to be charged thereby, it shall be incum-

bent upon the party claiming under or alleging the same to prove the existence and execution of the original writing from which the telegraphic copy or duplicate was transmitted. The original message shall, in all cases, be preserved in the telegraph office from which the same is sent.

Sec. 15. Except as hereinbefore otherwise provided, any instrument in writing duly certified under his hand and official seal by a Notary Public, Commissioner of Deeds or a Clerk of a court of record to be genuine, within the personal knowledge of such officer, may, together with such certificate, be sent by telegraph, and the telegraphic copy thereof shall, *prima facie* only, have the same force, effect and validity, in all respects whatsoever, as the original, and the burden of proof shall rest with the party denying the genuineness or due execution of the original.

Sec. 16. Whenever any person or persons shall have been indicted or accused on oath of any public offence, or thereof convicted, and a warrant of arrest shall have been issued, the magistrate issuing such warrant, or any Judge of the supreme court, or of any district, county or probate court may indorse thereon an order signed by him and authorizing the service thereof by telegraph, and thereupon such warrant and order may be sent by telegraph to any marshal, sheriff, constable or policeman, and on the receipt of the telegraphic copy thereof by any such officer, he shall have the same authority and be under the same obligation to arrest, take into custody and detain the said person or persons, as if the said original warrant of arrest with the proper direction for the service duly indorsed thereon had been placed in his hands, and the said telegraphic copy shall be entitled to full faith and credit and have the same force and effect in all courts and places as the original. But prior to indictment or conviction, no such order shall be made by any officer unless in his judgment there is probable cause to believe the said accused person or persons guilty of the offence charged, provided, the making of such order by any officer, as aforesaid, shall be *prima facie* evidence of the regularity thereof, and of all proceedings prior thereto. The original warrant and order, or a copy thereof certified by the officer making the order, shall *Copy to be pre-served.*

Certified instruments in writing sent by telegraph shall be valid.

Authorized warrants for arrest shall be valid.

be preserved in the telegraph office from which the same is sent, and in telegraphing the same the original or the said certified copy may be used.

Sec. 17. Any writ or order in any civil suit or proceeding and all other papers requiring service may be transmitted by telegraph for service in any place, and the telegraphic copy of such writ or order or paper so transmitted may be served or executed by the officer or person to whom it is sent for that purpose and returned by him, if any return be requisite, in the same manner and with the same force and effect in all respects as the original thereof might be if delivered to him, and the officer or person serving or executing the same shall have the same authority and be subject to the same liabilities as if the said copy were the original. The original, when a writ or order, shall also be filed in the court from which it was issued, and a certified copy thereof shall be preserved in the telegraph office from which it was sent. In sending it, either the original or the certified copy may be used by the operator for that purpose.

Sec. 18. Whenever any document to be sent by telegraph bears a seal, either private or official, it shall not be necessary for the operator, in sending the same, to telegraph a description of the seal, or any words or device thereon, but the same may be expressed in the telegraphic copy by the letters "L.S." or by the word "Seal."

Sec. 19. The President or Secretary of any telegraph company doing business in this Territory may file in the office of the county clerk of the county in which the principal office of said company within this Territory is situated, a copy of any printed blank or envelope, picture or device, used or intended so to be, by said company, with his certificate that the same is commonly used, or is intended so to be in the business of said company as a distinguishing mark, notice or index of said business, and thereupon such blank, envelope, picture or device shall become the property of said company, and it shall not be lawful for any person, unless by the employment or permission of said company, to print, publish, distribute or use, or cause to be printed, published, distributed or used, either of them, or any copy, counterfeit, similitude, or imitation

Writs or orders
may be transmit-
ted by telegraph.

Copy to be pre-
served in tele-
graph office.

Seal's.

Copyright of
devices granted.

thereof. Any person wilfully offending against the provisions of this section may be punished by fine not to exceed five hundred dollars, or imprisonment not to exceed six months.

Sec. 20. It shall be the duty of any telegraph company doing business in this Territory to transmit all dispatches in the order in which they are received, under the penalty of one hundred dollars, to be recovered with costs of suit, by the person or persons whose dispatch is postponed out of its order; provided, that communications to and from public officers on official business may have precedence over all other communications; and, provided, also, that intelligence of general and public interest may be transmitted for publication out of its order.

Sec. 21. The term "telegraphic copy" or "telegraphic duplicate," wherever used in this Act, shall be construed to mean any copy of a message, made or prepared for delivery, at the office to which said message may have been sent by telegraph.

Sec. 22. The California State Telegraph Company, a company formed within the State of California, and having its principal office in the city of San Francisco, and doing business within the Territory of Utah, is hereby declared to be duly incorporated under its present corporate name, style and organization, and the right is hereby granted to said company to acquire, own and enjoy, and to dispose of any and all property, real and personal, franchises and privileges as may be proper or convenient for the transaction of its business and for effectually carrying out the objects and purposes of said company as fully and completely as if said company had been originally formed and duly incorporated under the laws of this Territory, hereby conferring upon said company as ample power to do and transact business and maintain its rights in all courts and places as is or may be possessed by domestic corporations or natural persons.

Approved Jan. 16, 1863.

Telegraphic
messages shall be
sent in order as
received.

Provisor.

Construction of
certain terms.

California State
Telegraph Com-
pany Incorpora-
ted in Utah Ter-
ritory.

RESOLUTION

Adjourning and convening the Legislative Assembly of the Territory of Utah.

Dec. 8, 1862.

Be it resolved by the Governor and Legislative Assembly of the Territory of Utah, That said Legislative Assembly, when they adjourn on this the 8th day of December, A.D. 1862, adjourn to meet in the State House (formerly Council House) in Great Salt Lake City, and there hold the remainder of the present, or twelfth annual session of said Assembly; to wit, the session for the years 1862-3.

And be it further resolved, That so much of the Resolution convening the Legislative Assembly, approved January 17, 1862, as pertains to holding the Twelfth Annual Session for the years 1862-3, is hereby repealed.

Approved Dec. 8, 1862.

RESOLUTION

Convening the Legislative Assembly.

Jan. 16, 1863.

Be it resolved by the Governor and Legislative Assembly of the Territory of Utah, That the next annual session of the Legislative Assembly shall convene in the State House (formerly named "Council House") in Great Salt Lake City, and that said session shall commence on the second Monday of December next, at one o'clock, p.m.

Approved Jan. 16, 1863.

MEMORIAL TO CONGRESS.

Jan. 13, 1863. To the Honorable, the Senate and House of Representatives of the United States in Congress assembled:

Your Memorialists, the Governor and Legislative Assembly of the Territory of Utah, respectfully pray your Honorable body to establish a weekly mail route

from Provo city via Charleston, Mound city, Heber city, in Wasatch county, to Rhodeville, in Summit county, thence through Peoa, Wanship, Chalk creek, Henneferville to East kanyon, in Morgan county, and thence through Thurston's, Peterson's Mountain Green, to Ogden city, in this Territory, distance one hundred and twenty miles, and that the necessary appropriation be made therefor, and immediate service established thereon.

The rapidly increasing population of our Territory and consequent extension of settlements, demand the favorable action of Congress upon this our Memorial, at an early day, which is earnestly desired, and as, in duty bound, your Memorialists will ever pray.

Approved Jan. 13, 1863.





